

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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VERONICA MCLEOD, individually
and as successor in interest
to decedent, DOLORES
HERNANDEZ; AMADO HERNANDEZ,
individually and as successor
in interest to decedent,
DOLORES HERNANDEZ; and YSIDRA
REGALDO, individually,

No. 2:22-cv-00585 WBD JDP

Plaintiffs,

v.

CITY OF REDDING; GARRETT
MAXWELL, an individual; and
DOES 1-10, inclusive,

Defendants.

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for August 1, 2022, and makes the following findings and orders without needing to consult with the parties any

1 further.

2 **I. SERVICE OF PROCESS**

3 All named defendants have been served, and no further
4 service is permitted without leave of court, good cause having
5 been shown under Federal Rule of Civil Procedure 16(b).

6 **II. JOINDER OF PARTIES/AMENDMENTS**

7 No further joinder of parties or amendments to
8 pleadings, including the joinder of any other officers as
9 defendants, will be permitted except with leave of court, good
10 cause having been shown under Federal Rule of Civil Procedure
11 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
12 (9th Cir. 1992).

13 **III. JURISDICTION/VENUE**

14 Jurisdiction is predicated upon 28 U.S.C. §§ 1331 and
15 1343(a), because plaintiffs assert claims for violations of
16 constitutional rights under 42 U.S.C. § 1983. Pursuant to 28
17 U.S.C. § 1367, the court has supplemental jurisdiction over
18 plaintiffs' state law claims, which arise from the same course of
19 conduct as plaintiffs' federal claims. Venue is undisputed and
20 hereby found to be proper.

21 **IV. DISCOVERY**

22 The parties agree to serve the initial disclosures
23 required by Federal Rule of Civil Procedure 26(a)(1) on or before
24 August 19, 2022.

25 The parties shall disclose experts and produce reports
26 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
27 later than June 23, 2023. With regard to expert testimony
28 intended solely for rebuttal, those experts shall be disclosed

1 and reports produced in accordance with Federal Rule of Civil
2 Procedure 26(a)(2) on or before July 21, 2023.

3 All discovery, including depositions for preservation
4 of testimony, is left open, save and except that it shall be so
5 conducted as to be completed by August 4, 2023. The word
6 "completed" means that all discovery shall have been conducted so
7 that all depositions have been taken and any disputes relevant to
8 discovery shall have been resolved by appropriate order if
9 necessary and, where discovery has been ordered, the order has
10 been obeyed. All motions to compel discovery must be noticed on
11 the magistrate judge's calendar in accordance with the local
12 rules of this court and so that such motions may be heard (and
13 any resulting orders obeyed) not later than August 4, 2023.

14 **V. MOTION HEARING SCHEDULE**

15 All motions, except motions for continuances, temporary
16 restraining orders, or other emergency applications, shall be
17 filed on or before August 28, 2023. All motions shall be noticed
18 for the next available hearing date. Counsel are cautioned to
19 refer to the local rules regarding the requirements for noticing
20 and opposing such motions on the court's regularly scheduled law
21 and motion calendar.

22 **VI. FINAL PRETRIAL CONFERENCE**

23 The Final Pretrial Conference is set for November 6,
24 2023, at 1:30 p.m. in Courtroom No. 5 or via videoconference.
25 The Courtroom Deputy will notify the parties prior to the
26 Conference whether it will be in person or via videoconference.
27 The Conference shall be attended by at least one of the attorneys
28 who will conduct the trial for each of the parties and by any

1 unrepresented parties.

2 Counsel for all parties are to be fully prepared for
3 trial at the time of the Pretrial Conference, with no matters
4 remaining to be accomplished except production of witnesses for
5 oral testimony. Counsel shall file separate pretrial statements,
6 and are referred to Local Rules 281 and 282 relating to the
7 contents of and time for filing those statements. In addition to
8 those subjects listed in Local Rule 281(b), the parties are to
9 provide the court with: (1) a plain, concise statement which
10 identifies every non-discovery motion which has been made to the
11 court, and its resolution; (2) a list of the remaining claims as
12 against each defendant; and (3) the estimated number of trial
13 days.

14 In providing the plain, concise statements of
15 undisputed facts and disputed factual issues contemplated by
16 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
17 that remain at issue, and any remaining affirmatively pled
18 defenses thereto. If the case is to be tried to a jury, the
19 parties shall also prepare a succinct statement of the case,
20 which is appropriate for the court to read to the jury.

21 **VII. TRIAL SETTING**

22 The jury trial is set for January 9, 2024 at 9:00 a.m.
23 The parties estimate that the trial will last four to six days.

24 **VIII. SETTLEMENT CONFERENCE**

25 A Settlement Conference with a magistrate judge will be
26 set at the time of the Pretrial Conference. Counsel are
27 instructed to have a principal with full settlement authority
28 present at the Settlement Conference or to be fully authorized to

1 settle the matter on any terms. At least seven calendar days
2 before the Settlement Conference counsel for each party shall
3 submit a confidential Settlement Conference Statement for review
4 by the settlement judge. The Settlement Conference Statements
5 shall not be filed and will not otherwise be disclosed to the
6 trial judge.

7 IX. MODIFICATIONS TO SCHEDULING ORDER

8 Any requests to modify the dates or terms of this
9 Scheduling Order, except requests to change the date of the
10 trial, may be heard and decided by the assigned Magistrate Judge.
11 All requests to change the trial date shall be heard and decided
12 only by the undersigned judge.

13 IT IS SO ORDERED.

14 Dated: July 22, 2022


15 WILLIAM B. SHUBB
16 UNITED STATES DISTRICT JUDGE

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